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Resolution adopted by the Human Rights Council on 29 September 2017

36/21. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007,

Recalling also General Assembly resolution 65/281 of 17 June 2011, in which the Assembly adopted the text entitled "Outcome of the review of the work and functioning of the Human Rights Council", and in particular paragraph 30 of the outcome document, in which the Human Rights Council strongly rejected any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urged States to prevent and ensure adequate protection against such acts,

Recalling further all previous Human Rights Council resolutions and decisions on this topic,

Taking note with appreciation of the reports of the Secretary-General on this question, and in particular noting with concern the worsening incidence, severity and scope of cases of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Welcoming the designation of the Assistant Secretary-General for Human Rights by the Secretary-General as senior official to lead the efforts within the United Nations system

to address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations on human rights,

Welcoming also the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Noting with appreciation the work done by the special procedures, including the development of standard operating procedures on the topic and the appointment of a focal point on the matter by members of the Coordination Committee of Special Procedures, and the inclusion of a dedicated section on reprisals in the annual report of special procedures presented to the Human Rights Council at every March session, as well as the increased attention given by treaty bodies to preventing and addressing acts of intimidation or reprisal, in particular by the adoption and implementation of specific guidelines and the appointment by a number of treaty bodies of a rapporteur on reprisals,

Noting with appreciation also the role that regional mechanisms can play, where appropriate, in preventing and addressing acts of intimidation or reprisal, in particular the appointment by the African Commission on Human and Peoples' Rights of a focal point on reprisals,

Reiterating that all States Members of the United Nations, and in particular the States Members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and cruel, inhuman or degrading treatment,

Acknowledging that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and underlining the role that national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to the prevention of such cases and to follow up actions, as appropriate, to recommendations made by international human rights mechanisms,

Recognizing the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned,

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the

United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, bearing in mind that free and unhindered access to and communication with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal by States and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal against those who:

(*a*) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(*b*) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(*c*) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(*d*) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

4. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, including, where necessary, by adopting and consequently implementing specific legislation and policies in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

5. *Also urges* States to ensure accountability for any act of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

6. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisal and to bring perpetrators to justice, and encourages States to continue such efforts;

7. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

8. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

9. *Notes* the important work done by the Assistant Secretary-General for Human Rights in relation to the mandate assigned to him by the Secretary-General in October 2016,

and in this regard calls upon all States and invites international and regional organizations, human rights mechanisms, such as the special procedures and the treaty bodies, United Nations agencies and bodies, national human rights institutions, civil society and academic institutions to contribute to the fulfilment of these tasks;

10. *Reiterates* its strong rejection of any act of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and recalls in this regard that the Human Rights Council, its President and the Bureau should address allegations of acts of intimidation or reprisal in the most appropriate way;

11. *Notes* that the Presidents of the Human Rights Council have used their good offices to address allegations of intimidation and reprisal experienced by those engaging with the Council, and encourages the Presidents of the Council to continue to address allegations of intimidation and reprisal and to provide information on cases brought to their attention at each session of the Council;

12. *Invites* United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a reference to credible allegations of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State's response in their reports;

13. *Decides* that the presentation of the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights will be followed by an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned, based on the principles of cooperation and genuine dialogue, and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people.

41st meeting
29 September 2017

[Adopted by a recorded vote of 28 to 0, with 19 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)]